

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

JOSEPH W. BENDER,
JEREMY W. STROEBEL,
THOMAS G. WHITE, JR.,
TYLER S. HOLMAN,
TYLER J. HOOD,
CHELSEA N. CADOTTE, on behalf of
themselves and all others similarly
situated,

Case No. 19-CV-29

Plaintiffs,

and,

Proposed intervenor Michael O'Grady joining
as Plaintiff for class action status

v.

STATE OF WISCONSIN,
ANTHONY S. EVERS, in his official
as Governor of Wisconsin,
KELLI S. THOMPSON, in her official
capacity as Wisconsin State Public
Defender,

Defendants,

DOC NO
REC'D/FILED
2019 SEP 17 PM 3:18
PETER OPPELNER
CLERK US DIST COURT
WD OF WI

MOTION FOR INTERVENTION BY MICHAEL O'GRADY AS A SIMILARLY SITUATED
PLAINTIFF FOR CLASS ACTION PURSUANT TO FED. RULE CIV. PROC. RULE 24

Now comes pro se Michael O'Grady by motion to intervene pursuant to Fed. Civ. P. Rule 24(a)
(1)(2)(b)(1) on the following grounds:

On about August 16, 2018, O'Grady was arrested and confined in the Columbia County Jail for alleged violation of a crime for which there is possibility of incarceration. O'Grady exercised the right to speak with a specific defense attorney immediately upon being read Miranda rights which was denied. O'Grady was held in jail without bond.

On about August 20, 2018, while confined in Columbia County Jail, staff attorney Tristan Eagan of the Wisconsin State Public Defender appeared in person, interviewed O'Grady determining he is indigent and qualified for State Public Defender representation within minutes of the video appearance bond hearing. The Presiding Judge declined to issue a decision allowing O'Grady released on a signature bond citing a conflict of interest instead referring the bond decision to another Judge who was scheduled to preside of a civil harassment restraining order injunction against O'Grady in Columbia County case 2018cv201 scheduled for trial on August 21-22, 2018.

On about August 21, 2018, while confined in Columbia County Jail, O'Grady appeared before the Court on the rescheduled judicially transferred bond hearing. State Public assistant defender Tristan Eagon did not appear and no other defense attorney appeared leaving O'Grady to represent himself pro se. The Judge ordered O'Grady released on signature bond allowing only one hour to appear before the Court to present a defense in the two day trial. The decisions by these two Judges inextricably intermingled a civil actions (Columbia County cases 18cv181, 18cv201, 18cv203, 18cv230, 19cv41) with a criminal actions (Columbia County case 18GF752, 18CF419) arising from the same subject matter. O'Grady made several requests for the appointment of effective legal representation and counsel or continuance to allow time to obtain effective legal counsel all denied by the presiding Judge.

O'Grady respectfully asserts an unconditional right to intervene by 42 U.S.C. Section 1983 and claims an interest relating to the issues of federal rights that is the subject of the actions described in the complaint and O'Grady's claims share with the Plaintiffs main action in common questions of law, fact and Constitutions of the United States and State of Wisconsin.

O'Grady further incorporates the grounds for granting the motion to intervene joining a proposed class action as described in the accompanying pleadings establishing the claims for which intervention is sought.

Dated September 16, 2019

Respectfully submitted,


Michael O'Grady

address:
P.O. Box 2
Portage, WI 53901
(608) 745-1196

By copy of this document, I certify copy served upon parties by USPS first class mail with appropriate postage paid to their address of record.